

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makower in combination with Ishihara et al. The Examiner is still holding the position that sharp and blunt ends on a treatment probe are equivalent (somehow obvious) and combinable with Makower under 35 U.S.C. 103 "to produce a device having the three main elements is (sic) applicants' independent claims".

Referring to Makower, Figures 2, 3, 7, 8, 10 and 11, a sharpened needle tip 34 is disclosed. This sharpened needle tip 34 is extended from the catheter at an acute angle.

Referring to Ishihara, Figures 1-8, a laser probe 12 is disclosed. The laser probe 12 has a sharp tip 33. The laser probe 12 extends from the instrument at an acute angle.

The acutely diverging tip/probe of the references is in contradistinction with the explicitly claimed coaxial distal portion of the invention. The references do not even suggest a coaxial arrangement.

In addition, the claims are amended to require that the sensor is positioned at an interior of the distal portion. This limitation is not disclosed or suggested by any combination of Makower and/or Ishihara. It is noted that the two supplemental references cited by the Examiner in the Office Action were not applied in a grounds of rejection.

In addition, with respect to claims 1-27, the pointed tips/probes of Makower and/or Ishihara are in contradistinction to the explicitly claimed limitation of positionable in contact with the surface of a selected site without penetrating the surface of the selected site. With respect to claims 1-27, the Examiner's assertion that the disclosures of the references are equivalent to the invention ignores an explicit linguistic distinction that is clearly recited in the claims.

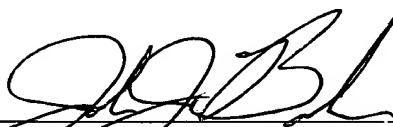
Accordingly, withdrawal of this rejection is respectfully requested.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from April 30, 2000 to July 31, 2000 in which to respond to the Office Action dated January 31, 2000. Please charge Deposit Acct. No. 23-2415. in the amount of \$435 in payment of the fee for filing a response within the sixth month pursuant to 37 C.F.R. 1.17.

Other than as explicitly set forth above, this reply does not include an acquiescence to any statements by the Examiner. In view of the above, the claims are considered allowable and favorable action is requested. In the event that there are any remaining issues, the attending to of which would expedite the allowance of this application, the Examiner is invited to contact the undersigned for prompt action at the telephone number appearing below.

The Commissioner is hereby authorized to charge payment of any deficiency or credit any overpayment to Deposit Account No. 23-2415.

Respectfully submitted,
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